

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN BOCH

Plaintiff,

v.

WAKEFIELD & ASSOCIATES, LLC

Defendants.

Civil Action No.: 1:23-cv-332

COMPLAINT

DEMAND FOR JURY TRIAL

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff JOHN BOCH (“Plaintiff”), by and through her attorneys, JAFFER & ASSOCIATES, PLLC, and brings this *Original Complaint* against Defendant WAKEFIELD & ASSOCIATES, LLC (“Defendant”), and respectfully sets forth, complains, and alleges, upon information and belief, the following:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages, costs, and attorney’s fees pursuant to 15 U.S.C. § 1692, the *Fair Debt Collection Practices Act* (“FDCPA”).

PARTIES AND SERVICE

2. Plaintiff is a person who resides in Mclean County, Illinois, and is represented by the undersigned counsel.

3. Plaintiff is allegedly obligated to pay a “Consumer Debt” in the amount of \$687.00

4. Plaintiff is a “Consumer” meaning Plaintiff is a natural person who is obligated or allegedly

obligated to pay any debt.

5. Plaintiff is also a “Consumer” under 15 U.S.C. § 1692a(3), the *Fair Debt Collection Practices Act* or “FDCPA”.

6. The “Consumer Debt” was an obligation or alleged obligation of Plaintiff to pay any money arising out of a transaction in which the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes, as this term is defined under 15 U.S.C. § 1692a(5).

Wakefield & Associates

7. Defendant is a Debt Collector as defined under 15 U.S.C. § 1692(a)(6).

8. Defendant is a person who engages in interstate commerce by using the telephone and mail in a business which the principal purpose is the collection of debts.

9. Defendant can be served with a copy of this *Original Complaint* along with *Citation* on its registered agent Legal Inc Corporate Services at 200 E. Randolph Street, Ste. 5100-38, Chicago, IL 60601.

JURISDICTION AND VENUE

10. Plaintiff brings this action under §1692 et seq. of Title 15 of the United States Code, commonly referred to as the FDCPA for actual and statutory damages, costs, and reasonable attorney’s fees against the Defendant.

11. This Court has jurisdiction over this action and all counts under 28 U.S.C. § 1331, 1337 and 15 U.S.C. § 1692k.

12. This Court has supplemental jurisdiction for any state law claims under 28 U.S.C. § 1367 against Defendant Goldman Sachs.

13. Venue in this District is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of

the events or omissions giving rise to this claim occurred here.

14. Venue is further proper in this District because Plaintiff reside in this district and Defendant conduct business in this venue.

FACTUAL ALLEGATIONS

15. Plaintiff incorporates by reference all of the above paragraphs of this *Complaint* as though fully stated herein with the same force and effect as if the same were set forth at length herein.

16. On or about November 2021, Plaintiff received medical treatment from APP Tennessee ED PLLC (“the Hospital”).

17. On or about January 22, 2022, Plaintiff received an explanation of benefits (“EOB”) stating that Plaintiff’s insurance paid the Hospital bill (“the Debt”) and Plaintiff owed \$0.00. See **Exhibit A**.

18. On or about March 2022, it is averred and believed that the Hospital tried to bill Plaintiff’s insurance again, but Plaintiff’s insurance marked this payment request as a duplicate bill and that Plaintiff still owed \$0.00 See **Exhibit B**.

19. However, on or about December 17, 2022, Plaintiff received a collection letter from Defendant alleging Plaintiff owed \$687.00 despite Plaintiff’s insurance already paying the alleged Debt. See **Exhibit C**.

20. For this reason, Defendant violated the FDCPA.

FIRST CAUSE OF ACTION **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT** **15 U.S.C. §1692 et seq. as to DEFENDANT ABC**

21. Plaintiff re-alleges and incorporates by reference paragraphs in this Complaint as though fully set forth herein.

22. Defendant's debt collection efforts against Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §1692e and §1692f.

23. Section §1692e provides a non-exhaustive list of false, deceptive, and misleading conduct prohibited by the statute including:

1. The false representation of the character, amount, or legal status of any debt 15 U.S.C. §1692e(2);
2. The use of any false representation or deceptive means to collect or attempt to collect any debt; 15 U.S.C. §1692e(10).

24. Additionally, §1692f prohibits a debt collector from using unfair or unconscionable means to collect or attempt to collect any debt.

25. For these reasons, Defendant is liable to Plaintiff for actual and statutory damages, costs, and reasonable attorney's fees.

DEMAND FOR TRIAL BY JURY

26. Plaintiff requests a trial by jury on all issues and counts so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from Defendant as follows:

1. Awarding Plaintiff statutory damages up to \$1,000 under the FDCPA against Defendant;
2. Awarding Plaintiff actual damages under the FDCPA against Defendant;
3. Awarding Plaintiff costs of this action, including reasonable attorneys' fees and expenses as allowed under the FDCPA against Defendant;
4. Awarding Plaintiff such other and further relief as this Court may deem just and proper.

DATED: January 19, 2023

Respectfully Submitted,
JAFFER & ASSOCIATES PLLC

/s/ Phillip Pool

Shawn Jaffer

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